REMARKS

The Office action has been carefully considered. The Office action rejected claims 1-64 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication 2004/0189669 to David et al. ("David"). Further, the Office action rejected claims 1-64 under the judicially created doctrine of obviousness-type double patenting contending that the claims of U.S. Patent No. 10/693,630 are not patentably distinct from the claims of the present invention. Applicants will timely file a terminal disclaimer upon indication of allowable subject matter with regard to the cited reference and with regard to other non-cited references raised during the most-recent Examiner interview. Regarding the claim rejections, applicants respectfully disagree.

By present amendment, claims 1 and 36 have been amended. Applicants submit that the claims as filed were patentable over the prior art of record, and that the amendments herein are for purposes of clarifying the claims and/or for expediting allowance of the claims and not for reasons related to patentability. Reconsideration is respectfully requested.

Applicants thank the Examiner for the interview held (by telephone) on November 16, 2005. During the interview, the Examiner and applicants' attorney discussed the claims with respect to the prior art. The essence of applicants' position is incorporated in the remarks below.

Issues regarding §101

During the telephone interview with the newly-assigned Examiner, the issue of statutory subject matter was raised. The Examiner contends that the claims do not sufficiently recite proper statutory subject matter. Applicants respectfully disagree but have amended claims 1 and 36 to more particularly point out and distinctly claim the subject matter of the invention directed toward a computer-implemented method and a computer system.

Rejections under §102

Applicants submit that the primary reference cited, David, is not prior art with respect to the present application. The present application claims priority as a continuation-in-part application to U.S. Patent A/N 10/402,268 which has a filing date of March 27, 2003. The filing date for David is also March 27, 2003, the same day. Concurrently filed applications may not claim priority over one another. As such, David cannot be considered prior art under §102(e) or any other provision of law.

As a result, applicants submit that all the claims are patentable over the prior art of record. Reconsideration and withdrawal of the rejections in the Office action is respectfully requested and early allowance of this application is earnestly solicited.

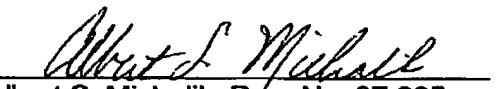
In re Application of BEDA et al.
Serial No. 10/693,673

CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that claims 1-64 are patentable over the prior art of record, and that the application is in good and proper form for allowance. A favorable action on the part of the Examiner is earnestly solicited.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at (425) 836-3030.

Respectfully submitted,



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